

EXHIBIT A

Phillip Wm. Lear
Lear & Lear PLLC
808 E South Temple Street
Salt Lake City, UT 84102
Telephone: (801) 538-5000
Facsimile:(801) 538-5001
Email: phillip.lear@learlaw.com
Local Attorney for Linda P. Smith

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

LINDA P. SMITH,

Plaintiff

v.

XAVIER BECERRA, in his capacity
as the Secretary of the United States
Department of Health and Human
Services,

Defendant

Case No. 1:21-cv-00047-HCN-DBP

DECLARATION OF JAMES
PISTORINO IN SUPPORT OF
PLAINTIFF'S MOTION FOR
SUMMARY JUDGMENT BASED
ON COLLATERAL ESTOPPEL

JURY TRIAL DEMANDED

Judge Howard Nielson, Jr.
Magistrate Judge Dustin B. Pead

Pursuant to 28 U.S.C. § 1746, I, James C. Pistorino, hereby declare as follows:

1. I am an attorney with the law firm of Parrish Law Office, counsel to the plaintiff in the above-captioned case. I am over eighteen years of age and not a party to this case.
2. Attached hereto as Exhibit B is a true and correct copy of the Complaint filed in this case.
3. Attached hereto as Exhibit C is a true and correct copy of the Answer filed in this case.
4. Based on my personal review of the records, the Secretary did not appeal ALJ Lambert's April 24, 2018, decision.

Dated: September 7, 2021

Respectfully submitted,

PARRISH LAW OFFICES

/s/ James C. Pistorino
James C. Pistorino
Attorneys for Plaintiff